IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 15806 of 2007(F)

PETITIONERS:

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1. S.RAFEEKA,THOUFEEK MAHAL,
   KARAPUZHA P.O., KOTTAYAM- 686003.

2. SHAJAHAN S.,
   THOUFEEK MAHAL, KARAPUZHA P.O.,
   KOTTAYAM- 686003.

3. RAFEEK.S.,
   THOUFEEK MAHAL, KARAPUZHA P.O.,
   KOTTAYAM- 686003.

4. HALIMA S.,
   THOUFEEK MAHAL, KARAPUZHA P.O.,
   KOTTAYAM- 686003.

5. NAFISATH S.,
   THOUFEEK MAHAL, KARAPUZH P.O.,
   KOTTAYAM- 686003.

6. HAJIRA S.,
   THOUFEEK MAHAL, KRAPUZHA P.O.,
   KOTTAYAM- 686003.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.AMINA

RESPONDENTS:

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1. SECRETARY,
   MUNICIPALITY OF KOTTAYAM,
   KOTTAYAM.

2. MUNICIPALITY OF KOTTAYAM,
KOTTAYAM, REPRESENTED BY ITS SECRETARY.

3. COMMISSIONER,
KOTTAYAM MUNICIPALITY, KOTTAYAM.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR

ADDL. R4 IMPLEADED.

4. STATE OF KERALA, REPRESENTED BY SECRETARY,
LOCAL ADMINISTRATIVE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

ADDL. R4 IMPLEADED AS PER ORDER IN I.A. 7967/2007 DATED 14.6.2007.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
BY GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.15806 of 2007

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Dated this the 6th day of July, 2007

JUDGMENT

Petitioners challenge Exts.P5 and P5(a). Petitioners also challenge Ext.P6, which is an order passed fixing 20% as the limit within which the appellate authority can grant relief. They also seek a direction to the respondents to complete the property tax assessment in respect of the petitioners' building in accordance with law adverting to the relevant factors.

2. Heard counsel for the petitioners, counsel for the respondents and the learned Government Pleader.

3. Today, when the matter came up, learned counsel for the Municipality submits that the Municipality will consider the matter with notice to the petitioners and take a decision in the matter. In such circumstances, I feel that Exts.P5 and P5(a) are liable to be quashed, so that fresh orders are passed after considering the objections of the petitioners and after hearing them.

In such circumstances, Exts.P5 and P5(a) are quashed. There will

be a direction to the first respondent to consider the matter afresh with opportunity of hearing to the petitioners and take a decision in the matter in accordance with law. The Secretary will consider the objections of the petitioners while taking a decision. I leave open the challenge to Ext.P6.

(K.M. JOSEPH, JUDGE)

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